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10/761,849	01/20/2004	Kuldeep Jain	871.0119.U1(US)	3072
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EXAMINER				
PATEL, DHAIRYA A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/761,849

Applicant(s)

JAIN ET AL.

Examiner

Dhairya A. Patel

Art Unit

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action responsive to communication filed on 9/5/2008. Claims 1-40 are presented for examination.
2. This amendment has been fully considered and entered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 13-24, it states "A computer readable medium...". In this case, a computer readable medium is deemed non-statutory subject i.e. Energy. The claims fail to place the invention squarely within one statutory class of invention. On page 6 lines 18-24 of the instant specification, applicant has provided evidence that applicant intends the "medium" to include trigger signals. As such, the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim(s) is/are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefor not a composition of matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,7,9-10,13-16,19,21-22,25-28,30,31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch et al. U.S. Patent # 6,768,726 (hereinafter Dorenbosch) in view of Phillips et al. U.S. Patent # 6,370,399 (hereinafter Phillips)

As per claim 1, Dorenbosch teaches a method comprising: initiating the set up of an internet protocol IP connection between a mobile station (MS) (Fig. 2 element 203) and a computing device (CD) (Fig. 2 element 209) (column 5 lines 43-55), the IP connection being one that terminates at the MS (Fig. 2 element 203)(column 6 lines 4-16)(column 9 lines 10-18), the initiation of the set up of the IP connection comprising receiving a command over a local interface between the MS and the CD (column 17 lines 25-35);

NOTE: The reference teaches initiating the first IP connection between the first station (mobile station) through gateway and to the second station (computing device) by using the first IP address where the gateway does address translation and protocol translation, SCTP to and from TCP/UDP and relays the packet data to and from second station (IP connection between a mobile station and a computing device). In column 9 lines 10-18, and Fig. 2, it can be seen that IP connection terminates at the MS since there is no other connection after that.

-establishing the IP connection between the MS and the CD comprising the MS assigning an IP address to the CD and an IP to the MS (column 5 lines 44-67), and

configuring an IP protocol stack at the MS (column 10 lines 59-65); and

Dorenbosch does teach initiation of the set up of the IP connection comprising receiving a command over a local interface between MS and CD but is silent in teaching command from the CD over a local interface between MS and the CD. Dorenbosch is also silent in teaching in response to receiving over the IP connection an IP message at the MS from the CD, routing the received IP message to an application that is resident in the MS.

Phillips teaches initiation of the set up of the IP connection comprising receiving a command from CD over a local interface between MS and CD (column 4 lines 8-36).

NOTE: The reference teaches receiving a command string which is the AT dial command from the TE device by the user (i.e. computing device) over dial-up interface.

Phillips also teaches in response to receiving over the IP connection an IP message at the MS from the CD, routing the received IP message to an application that is resident in the MS (column 4 lines 32-44). **NOTE:** The reference also teaches configuring TCP-based connection the MT device (mobile station) configures TCP protocol by opening a connection specifying the IP will be used to message transport. The IP protocol transmits the TCP packets to the IP address and send a connect message to the TE device and connect message then prompts the communication application (received IP message to the application).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Phillips's teaching in Dorenbosch's

teaching to come up with having receiving command from the CD over the local interface and receiving IP message at MS and routing the message to an application. The motivation for doing so would be to establish a TCP/IP connection based on the connect message signal, therefore data packet transfer from the mobile terminal to the TE device can take place with ease.

As per claim 2, Dorenbosch and Phillips teaches a method as in claim 1, but Phillips further teaches where the command is an AT command (column 4 lines 19-27).

As per claim 3, Dorenbosch and Phillips teaches a method as in claim 1, but Phillips further teaches where the command is an AT+CRM command (column 8 lines 8-14).

As per claim 4, Dorenbosch and Phillips teaches a method as in claim 1, but Phillips where the command is an AT+CRM command having a value of five (Fig. 6)(column 4 lines 58-61).

As per claim 7, Dorenbosch and Phillips teaches a method as in claim 1, but Phillips further teaches where the command is an ATSO=1 command (Fig. 4 element "description 1 "packet data service, relay layer"")(column 4 lines 48-57).

As per claim 9, Dorenbosch and Phillips teaches a method as in claim 1, but Dorenbosch further teaches where the local interface comprises a wired interface (column 4 lines 49-61)

As per claim 10, Dorenbosch and Phillips teaches a method as in claim 1, but Dorenbosch further teaches where the local interface comprises a wireless interface

(column 4 lines 49-61)

As per claim 13, Phillip teaches a computer readable medium within a mobile station (MS) embodying a computer program executable by a process to perform action, comprising: responsive to a receipt of a command over a local interface (column 17 lines 25-35, initiating the set up of an IP connection between the CD and the MS (column 5 lines 43-55) where the IP connection terminates at the MS (Fig. 2 element 203)(column 6 lines 4-16)(column 9 lines 10-18)

NOTE: The reference teaches initiating the first IP connection between the first station (mobile station) through gateway and to the second station (computing device) by using the first IP address where the gateway does address translation and protocol translation, SCTP to and from TCP/UDP and relays the packet data to and from second station (IP connection between a mobile station and a computing device). In column 9 lines 10-18, and Fig. 2, it can be seen that IP connection terminates at the MS since there is no other connection after that.

-establishing the IP connection between the MS and the CD comprising the MS assigning an IP address to the CD and an IP address to the MS(column 5 lines 44-67), and configuring an IP protocol stack at the MS (column 10 lines 59-65); and

Dorenbosch does teach initiation of the set up of the IP connection comprising receiving a command over a local interface between MS and CD but is silent in teaching command from the CD over a local interface between MS and the CD. Dorenbosch is also silent in teaching in response to receiving over the IP connection an IP message at the MS from the CD, routing the received IP message to an

application that is resident in the MS.

Phillips teaches initiation of the set up of the IP connection comprising receiving a command from CD over a local interface between MS and CD (column 4 lines 8-36).

NOTE: The reference teaches receiving a command string which is the AT dial command from the TE device by the user (i.e. computing device) over dial-up interface.

Phillips also teaches in response to receiving over the IP connection an IP message at the MS from the CD, routing the received IP message to an application that is resident in the MS (column 4 lines 32-44). **NOTE:** The reference also teaches configuring TCP-based connection the MT device (mobile station) configures TCP protocol by opening a connection specifying the IP will be used to message transport. The IP protocol transmits the TCP packets to the IP address and send a connect message to the TE device and connect message then prompts the communication application (received IP message to the application).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Phillips's teaching in Dorenbosch's teaching to come up with having receiving command from the CD over the local interface and receiving IP message at MS and routing the message to an application. The motivation for doing so would be to establish a TCP/IP connection based on the connect message signal, therefore data packet transfer from the mobile terminal to the TE device can take place with ease.

As per claims 14-16,19,21-22, teaches same limitations claims 2-4,7,9-10

respectively, therefore rejected under same basis.

As per claim 25, Phillip teaches an apparatus comprising: a processor (Fig. 2 element 203 i.e. mobile terminal) configured to communicate over a local interface (i.e. wireless interface) and over a wireless communication network, the processor further configured to initiate setup of an Internet Protocol (IP) connection between said apparatus and a computing device (CD) (Fig. 2 element 209) (column 5 lines 43-55) with a command over the local interface (column 17 lines 25-35), where the IP connection terminates at the apparatus (Fig. 2 element 203)(column 6 lines 4-16)(column 9 lines 10-18).

NOTE: The reference teaches initiating the first IP connection between the first station (mobile station) through gateway and to the second station (computing device) by using the first IP address where the gateway does address translation and protocol translation, SCTP to and from TCP/UDP and relays the packet data to and from second station (IP connection between a mobile station and a computing device). In column 9 lines 10-18, and Fig. 2, it can be seen that IP connection terminates at the MS since there is no other connection after that.

-the processor configured to establish the IP connection between the apparatus and the CD comprising the assigning an IP address to the CD and an IP to the apparatus (column 5 lines 44-67), and configuring an IP protocol stack at the apparatus (column 10 lines 59-65); and

Dorenbosch does teach initiation of the set up of the IP connection comprising receiving a command over a local interface between apparatus and CD but is silent in

teaching command from the CD over a local interface between apparatus and the CD. Dorenbosch is also silent in teaching in responsive to receiving an IP message from the CD over said local interface, the processor is configured to route the received IP message to an application that is resident in a memory of said apparatus.

Phillips teaches initiation of the set up of the IP connection comprising receiving a command from CD over a local interface between apparatus and CD (column 4 lines 8-36). **NOTE:** The reference teaches receiving a command string which is the AT dial command from the TE device by the user (i.e. computing device) over dial-up interface.

Phillips also teaches in responsive to receiving an IP message from the CD over said local interface, the processor is configured to route the received IP message to an application that is resident in a memory of said apparatus (column 4 lines 32-44). **NOTE:** The reference also teaches configuring TCP-based connection the MT device (mobile station) configures TCP protocol by opening a connection specifying the IP will be used to message transport. The IP protocol transmits the TCP packets to the IP address and send a connect message to the TE device and connect message then prompts the communication application (received IP message to the application).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Phillips's teaching in Dorenbosch's teaching to come up with having receiving command from the CD over the local interface and receiving IP message at apparatus and routing the message to an application. The motivation for doing so would be to establish a TCP/IP connection

based on the connect message signal, therefore data packet transfer from the mobile terminal to the TE device can take place with ease.

As per claims 26-28,30, it teaches same limitation as claims 2-4,7 therefore rejected under same basis.

As per claim 30, Dorenbosch and Phillips teaches an apparatus as in claim 25, but Phillips further teaches where the command is an ATSO=1 command (column 1 lines 18-36).

As per claim 31, Dorenbosch and Phillips teaches an apparatus as in claim 25, Dorenbosch teaches where said local interface comprises at least one of a wired interface and a wireless interface (column 4 lines 49-61) and where the assigned IP addresses are assigned arbitrarily to the apparatus to the CD (column 4 lines 28-49). Phillips further teaches (column 1 lines 59-67).

Claims 5,6,8,17,18,20,29,32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch et al. U.S. Patent # 6,768,726 (hereinafter Dorenbosch) in view of Phillips et al. U.S. Patent # 6,370,399 (hereinafter Phillips) further in view of Lim et al. U.S. Patent # 6,349,224 (hereinafter Lim)

As per claim 5, Dorenbosch, Phillips teaches a method as in claim 3, but Phillips further teaches further comprising:

-sending an ATD #777 command to the MS from the CD over the local interface to establish a call (column 4 lines 19-24); and establishing the IP connection over the local interface (column 2 lines 37-56). Dorenbosch and Phillips fails to teach performing peer-to-peer protocol negotiations over the local interface. Lim teaches performing

peer-to-peer protocol negotiations over the local interface (claim 25). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Lim's teaching in Dorenbosch and Phillips's teaching to come up with performing peer-to-peer protocol negotiations over local interface. The motivation for doing so would be to directly communicate with each other between mobile terminal and devices i.e. the peer terminals to convey the protocol context information.

As per claim 6, Dorenbosch and Phillips teaches a method as in claim 1, but are silent in teaching further teaches where the command places the MS into an auto-answer mode. Lim teaches command places the MS into an auto-answer mode (column 6)(Table 1 element "S0=0 to FF). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Lim's teaching in Dorenbosch and Phillips's teaching to come up with having command places the MS into auto-answer mode. The motivation for doing so would be to answer the call, automatically if a fax, async data were to be received at the mobile station, therefore if the call was not answered and error AT command would not be sent out (Table 2).

As per claim 8, Dorenbosch, Phillips and Lim teaches a method as in claim 6, but Dorenbosch teaches establishing IP connection over the local interface using arbitrary IP addresses from the MS and the CD (column 4 lines 28-49). Dorenbosch and Phillips are silent in teaching in response to an occurrence of a trigger signal at the MS, sending a ring signal to the CD over the local interface to establish a call and establishing the IP

connection over the local interface, performing peer-to-peer protocol negotiations over the local interface.

Lim further teaches further comprising: in response to an occurrence of a trigger signal at the MS, sending a ring signal to the CD over the local interface to establish a call and establishing the IP connection over the local interface (column 4 lines 59-66) performing peer-to-peer protocol negotiations over the local interface (claim 25).

It would have to been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Lim's teaching in Dorenbosch and Phillips's teaching to come up with establishing IP connection over the local interface by using arbitrary IP addresses and performing peer-to-peer negotiation and sending a ring signal to establish call. The motivation for doing so would be so that after establishing a call the mobile phone through the wireless communication being assigned the IP address is able to communicate with the other mobile stations/phones and data terminals through IP addresses.

As per claims 17,18, 20 respectively, it teaches same limitation as claims 5,6,8 respectively, therefore rejected under same basis.

As per claim 29, it teaches same limitations claim 6, therefore rejected under same basis.

As per claim 32, Dorenbosch, Phillips teaches an apparatus as in claim 25, but fails to teach wherein IP connection is used by the apparatus to execute peer-to-peer application with the CD. Lim teaches wherein IP connection is used by the apparatus to execute peer-to-peer application with the CD (claim 25). It would have been obvious to

one of ordinary skill in the art at the time of applicant's invention was made to implement Lim's teaching in Dorenbosch and Phillips's teaching to come up with execute peer-to-peer application with CD. The motivation for doing so would be to directly communicate with each other between mobile terminal and devices i.e. the peer terminals to convey the protocol context information.

Claims 11-12,23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch et al. U.S. Patent # 6,768,726 (hereinafter Dorenbosch) in view of Phillips et al. U.S. Patent # 6,370,399 (hereinafter Phillips) further in view of Brandenberger et al. U.S. Patent # 6,570,782 (hereinafter Brandenberger)

As per claim 11, Dorenbosch, Phillips teaches a method as in claim 1, but are silent on teaching where the local interface comprises an RF interface. Brandenberger teaches the local interface comprises an RF interface (column 4 lines 15-24)(column 3 lines 50-65). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Brandenberger's invention in Dorenbosch and Phillips's invention to come up with having local interface comprising RF interface. The motivation for doing so would be so that the user can communicate using the communication interface as RF interface and to provide user input to the system or to one or more devices or components.

As per claim 12, Dorenbosch, Phillips teaches a method as in claim 1, but are silent on teaching where the local interface comprises an IR interface. Brandenberger teaches the local interface comprises an IR interface (column 4 lines 15-24)(column 3

lines 50-65). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Brandenberger's invention in Dorenbosch, Phillips's invention to come up with having local interface comprising IR interface. The motivation for doing so would be so that the user can communicate using the communication interface as RF interface and to provide user input to the system or to one or more devices or components.

As per claims 23 and 24 respectively, it teaches same limitation as claims 11 and 12 respectively, therefore rejected under same basis.

Claims 32-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch et al. U.S. Patent # 6,768,726 (hereinafter Dorenbosch) in view of Phillips et al. U.S. Patent # 6,370,399 (hereinafter Phillips) further in view of Cui et al. U.S. Patent Publication # 2004/0204069 (hereinafter Cui)

As per claim 32, Dorenbosch and Phillips teaches an apparatus as in claim 25, but fails to teach where the IP connection is used by the apparatus to execute a peer-to-peer application with the CD. Cui teaches IP connection is used by the apparatus to execute a peer-to-peer application with the CD (Paragraph 29). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Cui's teaching in Dorenbosch and Phillips teaching to come up with having IP connection using peer-to-peer application. The motivation for doing so would be one could share data with the mobile device and the computing device using the same peer-to-peer application which allows a user to share or distribute data.

As per claim 33, Dorenbosch, Phillips and Cui teaches an apparatus as in claim

32, but Cui further teaches where the peer-to-peer application comprises a Personal Information Management (PIM) application (Paragraph 37)(Paragraph 38)

As per claim 34, Dorenbosch, Phillips and Cui teaches an apparatus as in claim 32, but Cui further teaches where the peer-to-peer application comprises one that enables data to be transferred from the apparatus to the CD for storage (Paragraph 27)

As per claim 35, Dorenbosch, Phillips and Cui teaches an apparatus as in claim 34, but Cui further teaches where the data comprises data generated by a camera of the apparatus (Paragraph 27).

As per claim 36, Dorenbosch, Phillips and Cui teaches an apparatus as in claim 32, but Cui further teaches where the peer-to-peer application comprises one that enables data to be transferred from the CD to the apparatus for storage (Paragraph 27)

As per claim 37, Dorenbosch, Phillips and Cui teaches an apparatus as in claim 36, but Cui further teaches where the data comprises music data (Paragraph 27).

As per claim 38, Dorenbosch, Phillips and Cui teaches an apparatus as in claim 32, but Cui further teaches where the peer-to-peer application comprises a synchronization application (Paragraph 37)(Paragraph 38).

As per claim 39, Dorenbosch, Phillips and Cui teaches an apparatus as in claim 32, but Cui further teaches where the peer-to-peer application comprises a parameter provisioning application (Paragraph 37)(Paragraph 40).

As per claim 40, Dorenbosch, Phillips and Cui teaches an apparatus as in claim 32, but Cui further teaches where the peer-to-peer application comprises a debugging application (Paragraph 37)(Paragraph 51).

Response to Arguments

Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A). " Cellular telephone interface system for AMPS and CDMA data services" by Willkie et al. U.S. Patent # 5,96,651.

B). " Voice to Digital Fax Transmission" by Wang et al. U.S. Patent # 6,230,024 by Wang et al. U.S. Patent # 6,230,024.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on Monday-Friday 7:00AM-4: 30PM, first Fridays OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DAP

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451

